



**Ansbach Law Center
7th Army JMTA
Legal Assistance Information**

Notarial Services

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

Annually about 400 Army civilian and military legal personnel notarize over 410,000 documents - powers of attorney, wills, and bills of sale - among others. This is a particularly important service for our overseas military personnel. Powers of Attorney for stateside spouses or family members are the most common legal documents our troops living abroad need.

1. Q. WHAT DOES A NOTARY DO?

A. A Notary acts as an official, unbiased witness to the identity and signature of a person who appears before the notary for an oath or affirmation, or to sign a document. The notary's signature indicates that the notary verified the identity of the person who appeared and signed, executed, or acknowledged the document. Notaries are careful to ensure that the person signing is in fact, who he/she claims to be. In addition, the notary makes sure that the client is acting voluntarily and not being forced to sign documents against his/her will. The Notary should be confident that a client is not being bullied into signing a document against his/her will. Moreover, the Notary makes sure the client understands what he/she is signing. If the client responds to questions understandably and has made a request for the notarization, then the client can be considered competent for the purposes of the notarization.

Often, Army notaries are asked to certify copies instead of, or in addition to, notarizing them. There is a difference.

Notarization: The notary signature and seal (when used) indicates that the person purporting to sign the document appeared before the notary, produced identification or was known personally by the notary, and signed the document in the presence of the notary.

Certification: This is a process that means that a document is a full, true, and accurate copy (transcription or reproduction) of the original document. Most public records and documents like marriage licenses, birth certificates, divorce decrees, car titles, etc., are recorded in public offices and *those* offices certify copies. Occasionally, Army notaries may make a "true" copy for presentation to a military or government agency IAW AR 27-55, Notarial Services.

Limits on Notary Services. Army Regulation 27-55, Notarial Services, provides policies and procedures for Army military and civilian personnel performing notarial services as part of their official duties. State laws and regulations also restrict notary services. For example:

- A notary cannot notarize a previously signed or incomplete document (one with blanks left in it) or "verify" (authenticate) the signature of someone who does not personally appear before the notary at the time the signature was affixed to the document. Those items intended to remain blank or empty should be lined through or have "Not applicable" entered before signature.
- A notary will not certify the authenticity of public, official, registered, or court records or documents (such as divorce decrees, birth certificates, marriage certificates, death certificates, and car titles) nor issue certified copies of such documents or records unless allowed to do so under AR 27-55 or other applicable law or regulation. Military notaries may certify copies of public records or publicly recorded documents from an official source for limited military administration, including finance and personnel administration. Under certain conditions, military notaries may also certify copies of some public records or publicly recorded documents for the Immigration and Naturalization Service (INS), the Department of Veterans Affairs (VA), the Internal Revenue

Service (IRS), and the Social Security Administration (SSA). A military notary will not certify public records merely because the holder would like another copy for themselves, for a prospective employer, or for an adoption agency.

- A notary will not notarize a general power of attorney before determining that the client has received advice from an attorney on the nature and effect of a general power of attorney.
- No notary will perform nor be ordered or otherwise required to perform a notarial act that the notary believes:
 - (1) Is for a transaction which the notary knows or suspects is illegal, false, or deceptive.
 - (2) Is for a person who is being coerced.
 - (3) Is for a person whose demeanor causes compelling doubts about whether the person knows the consequences of the transaction requiring the notarial act.
 - (4) Impugns or compromises the notary's impartiality.

Notaries frequently keep a journal of services provided. It may include the name and signature of the individual whose signature was notarized, general description of the document notarized, and the dates and location of the notarial services.

2. Q. MUST A NOTARY SEAL APPEAR ON THE NOTARIZED DOCUMENT?

A. Not usually. Under 10 USC 1044a(d), the notary's signature, title, and authority (10 USC 1044a) are all that are required for military notarial acts. IAW AR 27-55, chapter 4, no seal is required for notarial services performed by military notaries, however, a raised seal is an extra assurance to enhance the acceptance of the notarized document, and may be used.

3. Q. WHERE CAN I GET A DOCUMENT NOTARIZED?

A. Individuals eligible for legal assistance should bring their military ID card and the document unsigned to the supporting Legal Assistance Office. Most Legal Assistance Offices offer notary services on a walk-in, no appointment basis during normal duty hours.

4. Q. I AM ADOPTING A CHILD FROM ANOTHER COUNTRY, AND I NEED SOMETHING CALLED AN "APOSTILLE". WHAT'S AN APOSTILLE, AND WHERE CAN I GET ONE?

A. An apostille is a standard certification provided under the Hague Convention for the authentication of documents used in foreign countries. Since October 15, 1981, the United States has been part of the 1961 Hague Convention abolishing the Requirement of Legalization for Foreign Public Documents. The Convention provides for the simplified certification of public (including notarized) documents to be used in countries that have joined the convention. Documents destined for use in participating countries and their territories should be certified by one of the officials in the jurisdiction in which the document has been executed. With this certification by the Hague Convention apostille, the document is entitled to recognition in the country of intended use, and no certification by the Authentications Office or legalization by the embassy or consulate of the foreign country where the document is to be used is required.

For notaries performed at the Legal Assistance Office, the Department of State maintains jurisdiction:

Authentication Office, Department of State
518 23rd Street, N.W.
State Annex #1
Washington, D.C. 20520
(202) 647-5002 or (800) 688-9889

Call the Authentication Office to obtain the current fees (The fees were \$5.00 per apostille in 2001.) Then send a written request explaining what you want, why you want it, and from what country you are adopting. Include the documents that require apostille, and a self addressed, postage paid return envelope to expedite your request.

Notarizations are performed on a walk-in basis at your local Legal Assistance Office.

Locations of your local Legal Assistance Offices:

Katterbach Community: Katterbach Kaserne, Building 5817A, Rm 1
Hours: M-Th 0900-1200, 1300-1700 and F 1300-1600
DSN: 467-2103
CIV: 09802-832103

Illesheim Community: Stock Barracks Army Air Field, Bldg 6506, Rm 214
Hours: M-Th 0900-1200, 1300-1700 and F 1300-1600
DSN: 467-4576
CIV: 09841-83576